

JLS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY

Plaintiff,

v.

Civil Action No. 18-4086

TRIAL BY JURY DEMANDED

MONSANTO COMPANY, HUGH GRANT,
COMMONWEALTH OF PENNSYLVANIA,
PPL CORPORATION, JOANNE H. RAPHAEL,
CRAWL SPACE REPAIR, DENNIS KOZE,
and KATE E. M. TERCHA.

Defendants.

PLAINTIFF'S ORIGINAL COMPLAINT

TAKE JUDICIAL COGNIZANCE of the following:

DEWAYNE JOHNSON V. MONSANTO DOCUMENTS,¹ and gratitude to my bloodline family member, Robert F. Kennedy, Jr, a true profile in courage for his courage in exposing the crimes of Monsanto Company, defendant

Jurisdiction and Venue

1. This is a diversity matter, and this court of record has jurisdiction over diversity matters, and the injuries to the Plaintiff occurred in the territory of this district court in the third circuit.² The United States Constitution, in Article III, § 2, gives the Congress the power to permit federal courts to hear diversity cases through legislation authorizing such jurisdiction. The

¹ Link here. <https://usrtk.org/pesticides/mdl-monsanto-glyphosate-cancer-case-key-documents-analysis/>

² Samuel Anthony Alito, Associate Justice, Supreme Court of the United States, 1 First Street NE, Washington, DC 20543 is the common law Judge who oversees this case.

provision was included because the Framers of the Constitution were concerned that when a case is filed in one state, and it involves parties from that state and another state, the state court might be biased toward the party from that state. Congress first exercised that power and granted federal trial circuit courts diversity jurisdiction in the Judiciary Act of 1789. Diversity jurisdiction is currently codified at 28 U.S.C. § 1332.

2. Edward Thomas Kennedy, (hereinafter "Plaintiff" and/or "Kennedy") is one of the people of Pennsylvania, and in this court of record moves the Court to Order Defendants pay the Plaintiff's damages for his injuries described herein, a money claim in which the plaintiff states that this court does have authority to authorize payment of Kennedy's claims.

3. Kennedy requests CM/ECF access in this complaint, and a Judge to administrate that is learned in law and the Law of the Case.

FIRST CAUSE OF ACTION – TRESPASS

4. Paragraphs 1 through 3 are included by reference as though fully stated herein.

5. Edward Thomas Kennedy, Plaintiff (hereinafter "Kennedy" and/or "Plaintiff") is one of the people of the Pennsylvania, and in this court of record complains of each of the following: Commonwealth of Pennsylvania, Monsanto Company, Hugh Grant, PPL Corporation, Joanne H. Raphael, Crawl Space Repair, Dennis Koze, and Kate E. M. Tercha, hereinafter "Defendant" and all collectively "Defendants" who are each

summoned to answer and declare or swear under penalty of perjury the said in a plea of trespass, trespass on the case, trespass on the case - vicarious liability, intentional infliction of emotional distress, negligence, failure to provide safe living conditions, failure to provide safe health conditions, privacy violations, failure to comply with U.S. Postal regulations, and false advertising moves the Court to Order Defendants compensate the Plaintiff damages for his injuries described in the Causes of Action herein, to wit: Commonwealth of Pennsylvania, also known as State of Pennsylvania, is a corporation and a subsidiary of the United States of America; Monsanto Company is a corporation headquartered in Missouri and registered in Delaware³ and Hugh Grant is its Chief Executive Officer; PPL Corporation is a corporation and Joanne H. Raphael is its General Counsel; Crawl Space Repair is a corporation registered number 1615497 with the Commonwealth of Pennsylvania and registered location at 54 Shepard Avenue Box 54 Delaware Water Gap, Monroe County, PA 18327⁴ and Dennis Koze is its owner; Koze is also property manager and rental agent for Kate E. M. Tercha, who according to Lehigh County Recorder of Deeds records, recorded Instrument Number 2012047951 on 12/31/2012 as a Deed, and as Grantee from Grantor Frank Tercha, and Grantee Tercha paid an Affordable Housing Fee of \$11.50. Dennis Koze sleeps at times in a room at 401 Tillage Rd., Room 1, Breinigsville, PA 18031, hereinafter "the Building;" Defendant Tercha is in layman's, simple language, the Deed holder / owner of the farmland that surrounds the two story, the building at 401 Tillage Rd., Breinigsville, PA 18031 as described in Instrument Number 2012047951. Kennedy pays rent of \$620 per month for

³ owned by Bayer, a German company

⁴ <http://crawlspacerepair.net/> list 401 Breinigsville, PA

room number 5, second floor, at the building at 401 Tillage Rd., Breinigsville, PA 18031 and use of shared space of its kitchen, two bathrooms, two showers, laundry and community room. Kennedy pays rent directly to Koze at 401 Tillage Rd., Breinigsville, PA 18031, said rent payment includes uncovered parking, weekly garbage service, oil heat, an air conditioning unit, electricity, use of a washer and dryer, internet access, cable TV⁵ and paper products since approximately November 2016

6. Each Defendant exceeded their jurisdiction by either directly, through an employee and/or agent, or in concert with another did cause Kennedy to be unlawfully injured against his will, without jurisdiction or good cause, in violation of the Law of the Case.

7. Said Defendants, without good cause, harmed Kennedy. From the moment he was harmed till the present, Kennedy, under color of law, was kept in financial and constructive imprisonment and suffered injury and damages from said defendants.

8. Each defendant acted in such a way, or failed to act in such a way, that Kennedy is and was deprived rights, health protection, his safety, his liberty and privacy.

9. Each defendant acted to deprive Kennedy of his liberty; or each defendant failed to act to prevent the loss by Kennedy of his liberty. Further, each defendant is a willing participant in concert with each of the remaining defendants.

10. At all times mentioned in this action each defendant is the agent of the other, and in doing the acts alleged in this action, each is acting within the course and

⁵ Kennedy does not watch on television on a television, and thus does not use the included service

scope of said agency. The following paragraphs describe what the defendants, under color of law, either acted or failed to act as obligated.

11. Each defendant exceeded his jurisdiction under color of law. Each defendant acted in concert with the remaining employees and/or agents of the defendants to affect the unlawful loss of liberty of Kennedy.

12. Further, defendants have a duty to provide care to the plaintiff.

13. Defendants have breached that duty.

14. The damages for the injury caused by defendants' actions are \$1,000 for each day of unlawful behaviors for each defendant, or \$50,000.00, whichever is greater;

15. The damages for the injury caused by defendant's' absence of required action is \$5,000 for each failure to act for each defendant, or \$50,000.00, whichever is greater;

SECOND CAUSE OF ACTION – TRESPASS ON THE CASE

16. Paragraphs 1 through 15 are included by reference as though fully stated herein.

17. By right, Kennedy reasonably expects to proceed without injury, secure in his capacities. By right, Kennedy reasonably expects to exercise his right to liberty.

18. Defendants have a legal duty to use due care and not cause an injury to Plaintiff Kennedy or interfere with said rights in any way.

19. Employees and/or agents of the defendants breached that duty by proximately or legally, directly and indirectly, causing the injuries to Plaintiff Kennedy.

20. The damages claimed are all a result of the injuries.

THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY

21. Paragraphs 1 through 20 are included by reference as though fully stated herein.

22. Power is never without responsibility. And when authority derives in part from the Commonwealth of Pennsylvania Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself.

23. The purpose of imposing vicarious liability is to insure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect themselves. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to affect others or, at the very least, it must provide a link in the chain of exposing the ultimate victim to the actor. The vicariously liable defendant must be in the business of controlling, leasing, bailing, or licensing the actors.

24. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors. Each defendant and each employee and/or agent of the defendants are vicariously liable for each instance of injury to plaintiff.

FOURTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

25. Paragraphs 1 through 24 are included by reference as though fully stated herein.

26. Plaintiff's claim for intentional infliction of emotional distress is a tort, and the defendant's continued outrageous behavior is the cause of severe emotional stress.

27. This severe stress from threats affects the plaintiff now.

28. Elements of intentional infliction of emotional distress as a tort is as follows: (1) the defendant must act intentionally or recklessly; (2) the defendant's conduct must be extreme and outrageous; and (3) the conduct must be the cause (4) of severe emotional distress.

29. On September 17, 2018, Defendant Koze seven times electronically communicated with me and accused me of crimes, and threatened me with eviction based on his allegation of crimes by me, a course of conduct with intent to harm me evidenced by the electronic messages. At 2:03, Koze wrote: Please immediately find your own place somewhere else.

30. By US regular mail, Kennedy sent Defendant Tercha and (by fax) her attorney of record letter that notice her about Koze's bad acts and intentions to evict and harm Plaintiff Kennedy.

31. The damages claimed are all a result of the injuries.

FIFTH CAUSE OF ACTION-NEGLIGENCE

32. Paragraphs 1 through 31 are included by reference as though fully stated herein.

33. Negligence Definition is as follows: A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions

when there is some duty to act.

34. The four elements of negligence are 1) Duty, 2) Breach, 3) Cause, and 4) Harm.

35. Koze and Tercha failed to provide Kennedy with a private, secure mailbox, and this directly lead to injury to Kennedy by local law enforcement and loss of rights for Kennedy.

36. Kennedy did not receive legal papers from a court of law because there is no secure U.S. mail delivery for Kennedy at 401 Tillage Rd., Breinigsville, PA 18031.

37. The damages claimed are all a result of the injuries.

SIXTH CAUSE OF ACTION- FAILURE TO PROVIDE SAFE LIVING CONDITIONS

38. Paragraphs 1 through 37 are included by reference as though fully stated herein.

39. Koze practices medicine without a license in the shared space community room, and the medical devices such a syringes used to draw human blood from patients by Koze do not comply with government regulations injured Kennedy. The shared space kitchen and bathroom are unsanitary and are no longer kept clean, and may be at times contaminated from the unsterilized medical equipment and devices, which are also not disposed properly.

40. Modern Fire protection is non-existent at 401 Tillage Rd., Breinigsville, PA 18031.

41. Lead and other toxins are present in the said building ceiling and walls evidenced by dust. Ironically, the said building has mold in the kitchen, especially on the refrigerators and

in both bathrooms.

42. Current tenants cough often, and may have severe health problems due to the toxins in the said building.

43. Three tenants, two men and one woman, who are no longer tenants, and have left the building since November 2016 have complained to Kennedy about the toxins of the building.

44. Exposed electrical wire violate national standards and are a probable fire hazard, and do not comply with modern building codes.

45. Kennedy is harmed by radiation from PPL Corporation Smart Meter, which is located proximate to Kennedy's room on the second floor.

46. Kennedy is harmed by Monsanto Corporation toxins, which is sprayed on the very nearby corn.

47. The damages claimed are all a result of the injuries.

SEVENTH CAUSE OF ACTION- FAILURE TO PROVIDE SAFE HEALTH CONDITIONS

48. Paragraphs 1 through 47 are included by reference as though fully stated herein.

49. Koze for his Crawl Space Repair company's business purposes burns toxic materials including but not limited to rotted beams, damaged floor joists, sill plates, box sills, old damaged insulation, and mildew and fungus growth from his customer's homes⁶

⁶ Source: <http://crawlspacerepair.net/>

from his Crawl Space Repair business at 401 Tillage Rd., Breinigsville, PA in violation of US law, and said toxic fumes enter Kennedy's room 5, causing injury to Kennedy. Koze has no legal authority to burn toxins at this location.

50. Tercha for her farm business operations, and /or her agent's farming operations, spray toxic chemicals from Defendant Monsanto Company, and the fumes enter Kennedy's room, causing injury.⁷

51. The damages claimed are all a result of the injuries.

EIGHTH CAUSE OF ACTION - PRIVACY VIOLATIONS

52. Paragraphs 1 through 51 are included by reference as though fully stated herein.

53. There no secure mailboxes at said building, and thus other tenants are aware of Kennedy's private legal, health and financial matters, which injures Kennedy in violation of his rights.

54. The damages claimed are all a result of the injuries.

NINTH CAUSE OF ACTION - FAILURE TO COMPLY WITH US POSTAL REGULATIONS

55. Paragraphs 1 through 54 are included by reference as though fully stated herein.

56. Koze and Tercha failed to provide Kennedy with a private, secure mailbox, and this directly lead to injury to Kennedy by local law enforcement and loss of rights.

57. Kennedy did not receive legal papers from a court of law, and the Schuylkill

⁷ See The Monsanto Papers: Roundup (Glyphosate) Cancer Case Key Documents & Analysis, and especially the DEWAYNE JOHNSON V MONSANTO DOCUMENTS link here: <https://docs.google.com/document/d/1IBx8D0dZ4PxSSI-ENx8fkVB4gAT2MQp8t9yygbbPfj4/edit>

County Court's First Deputy Clerk stated under oath in a hearing that they were sent by her by U.S. regular mail.

58. The Pennsylvania Court of Common Pleas Clerk sent paperwork by certified mail to Kennedy because there is no secure US mail delivery for Kennedy at 401 Tillage Rd., Breinigsville, PA 18031.

59. The damages claimed are all a result of the injuries.

TENTH CAUSE OF ACTION - FALSE ADVERTISING

60. Paragraphs 1 through 59 are included by reference as though fully stated herein.

61. Koze falsely advertised that conditions of the rental on craigslist.com in the Fall of 2016 and he failed to tell the truth causing injury to Kennedy and loss of rights.

62. The damages claimed are all a result of the injuries.

LAW OF THE CASE

63. Exhibit "1" is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.⁸

REQUEST FOR RELIEF

64. For that cause of action(s) therefore Plaintiff brings his suit.

⁸ See the use of dictionaries by the Supreme Court of the United States, by Kevin Werbach, titled Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994).

65. WHEREFORE, Plaintiff prays judgment against defendants, and each of them, as follows:

On all causes of action:

66. For general damages in the sum of \$1,000 for each day of unlawful behaviors for each defendant, or \$50,000.00, whichever is greater;

67. For damages for the injury caused by defendant's' absence of required actions of \$5,000 for each failure to act; or \$50,000.00, whichever is greater;

68. That the court enter a declaratory judgment that defendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law, but under color of law;

69. That the court enter a declaratory judgment that defendants have acted contrary to constitutional right, power or privilege;

70. That the court enter a declaratory judgment that defendants' actions were in excess of statutory jurisdiction, authority and short of statutory right;

71. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights;

72. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and honor their fiduciary duty to Kennedy;

73. That the Court Order Defendants to Stop eviction proceedings these matter are settled in a court of law;

74. That the Court Order Defendants to Stop all threats of eviction to Kennedy.

75. For interest as allowed by law;
76. For costs of suit incurred;
77. That the court grant his lawsuit costs and lawyer fees;
78. That the court order Defendant Koze to pay Kennedy \$5,000,000.00; damages for the injury caused by defendant's' Intentional Infliction of Emotional Distress;
79. That the court order Defendants Tercha and Koze to pay Kennedy \$5,000,000.00 damages each for the injury caused by defendant's' failure to provide a safe U.S. mailbox, failure to provide safe living conditions, failure to provide safe health conditions, and privacy violations;
80. That the court order Defendant Commonwealth of Pennsylvania to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' Trespass on the Case -Vicarious Liability;
81. That the court order Defendant Monsanto Company to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' Trespass on the Case -Vicarious Liability;
82. That the court order Defendant PPL Corporation to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' Trespass on the Case -Vicarious Liability;
83. That the court order Defendant Crawl Space Repair to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' Trespass on the Case -Vicarious Liability;

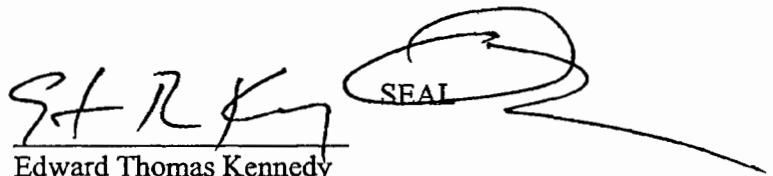
84. That the court order Defendant Koze to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' negligence;

85. That the court order Defendant Tercha to compensate Kennedy \$1,500,000.00 for the injury caused by defendant's' negligence;

86. That the court grant such, other and further relief as the court deems proper;

87. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: September 20, 2018.



Edward Thomas Kennedy
401 Tillage Road
Breinigsville, PA 18031
Phone: 415-275-1244.
Fax: 570-609-1810.
Email: pillar.of.peace.2012@gmail.com

Attachments:

Exhibit 1, Law of the Case, nine pages.

Exhibit 1 LAW OF THE CASE

LAW OF THE CASE

1. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994)).

2. In a court of record, a judge has no discretion. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court.

3. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:

- a. when he is performing a non-judicial act, or
- b. when he acts in the complete absence of all jurisdiction.

4. Statutes are expressions of will from the legislature. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.

5. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.

6. The California 1879 Constitution defines all California courts to be courts of record.

7. Commonwealth of Pennsylvania maintains confusion and deception with multiple versions of its Constitution. Commonwealth of Pennsylvania has had five versions of constitutions 1776, 1790, 1838, 1874, and 1968. See John J. Kennedy, Pennsylvania Government and Politics, 1st Edition, Cognella publisher, 2018. Chapter 3, pages 79 to 90.)

8. "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," (Preamble - Universal Declaration of Human Rights)

9. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court. The mere keeping of a record does not qualify any court to be a court of record.

10. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record. For the full explanation, see <https://www.l215.org/lawnotes/lawnotes/courtrec.htm>.

11. In California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is

Exhibit 1 LAW OF THE CASE

a court of no record if it does not conform to the remaining three requirements for a lawful court of record.

12. A court of record is a court which must meet the following criteria:

1. generally has a seal
2. power to fine or imprison for contempt
3. keeps a record of the proceedings
4. proceeding according to the common law (not statutes or codes)
5. the tribunal is independent of the magistrate (judge)

Note that a judge is a magistrate and is not the tribunal. The tribunal is either the sovereign himself, or a fully empowered jury (not paid by the government).

13. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".

14. "Nisi prius" is a Latin term. Individually, the words mean thus: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless." Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate step to avoid it or procure its revocation."

15. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

16. It is a matter of right that one may demand to be tried in a court of record. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.

17. For tactical reasons, Commonwealth of Pennsylvania and/or the state and/or State, prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.

18. During arraignment choices for pleading are only guilty, not guilty, nolo contendere, but all three choices lead to the same jurisdiction, namely a statutory jurisdiction, not a common law jurisdiction. That is to say, the question to be decided is whether or not the statute was violated, not whether the common law was violated.

19. The dictionary does not lie in its definition of a nisi prius court but it does omit some important information. Namely, that it is a court that has been set up by prior agreement assumed because when the three statutory options [guilty, not guilty, nolo contendere] were presented to the defendant he chose one. He thus failed to enforce his right to be prosecuted in a court of record.

20. Once the agreement (as evidenced in the arraignment proceeding) has been secured, the court proceeds under statutory authority. Now the court ceases to be a court of record and becomes a court of no record by prior lack of objection, i.e. by prior agreement

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implied by failure to object.

21. Naturally, after securing the agreement, a nisi prius court can move on to examine the facts with a judge and jury, etc. etc.

22. The criminal court is an inferior court because it is operating according to special rules (criminal code) and not according to the common law. Even if its name is "Superior Court of" it is still an inferior court so long as it is operating according to some code or statutes rather than the common law. On the other hand, a court of record, so long as it meets the criteria, is a true superior court. The decisions and proceedings of an inferior court are not presumed to be valid. The inferior court can be sued in a superior court (that's called a "collateral attack"). In other words, the superior court (court of record) outranks the inferior court not of record."

23. Government Manipulation of Language. The first "trick" of the Government is the re-definition of certain critical words in each Statute (Act). The Government assumes the ordinary meaning of the word so as to trick the public into reading and interpreting the Statute in their favour. Here is a summary of some of the Trick Words. Two keywords that are re-defined in almost every Statute are the words "person" and "individual". There are at least two "person" in law: A natural-person is a legal entity for the human-being.

An artificial-person is a legal entity that is not a human being (Here are the exact definitions from Barron's Canadian Law Dictionary, fourth edition (ISBN 0-7641-0616-3): natural person. A natural person is a human being that has the capacity for rights and duties. artificial person. A legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may be attached - e.g. a body corporate.)

24. The natural-person has the "capacity" (i.e. ability) for rights and duties, but not necessarily the obligation. The artificial-person has rights and duties that may be attached (i.e. assigned) by laws.

25. The second "trick" of the Government is to use the Interpretation Act to define words that apply to all Statutes, unless re-defined within a particular Statute. Without this knowledge, one could assume the ordinary meaning for the words one is reading, not realizing that they may have been defined by the Interpretation Act. Unless these words have been re-defined in another Statute, the underlying definitions for the two most important words still apply, either from the Interpretation Act, or the Canadian Law Dictionary. Basically, they are defined as follows:

- a. from the Canadian Law Dictionary one can find that:
individual means a natural person,
- b. from the Income Tax Act find the re-definition:
individual means an artificial person.
- c. from the Canadian Law Dictionary find that:
person means an individual (natural person) or incorporated group (artificial person),
- d. from the Interpretation Act find the re-definition:
person means a corporation (an artificial- person),
- e. from the Income Tax Act find the re-definition again:
person means an artificial person (amongst other things).

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26. In the Canadian Human Rights Act, one can see how individual and person are used and how they are applied to natural and artificial persons.

27. The third "trick" of the Government is to use the word "includes" in definitions instead of using the word "means". They do this in some critical definitions that they want misinterpreted. If they used "means" instead of "includes" then their deception would be exposed, but by using "includes" they rely upon the reader to assume that "includes" expands the definition, whereas in reality it restricts the definition in the same manner that "means" restricts the definition.

28. Here is a means definition of the word "person" from the Bank Act:
person means a natural person, an entity or a personal representative;

29. Here is an includes definition of the word "person" from the Interpretation Act:
person, or any word or expression descriptive of a person, includes a corporation
To expose their deception, substitute the word means or any word or expression descriptive of a person, means a corporation (viz. artificial-person)

30. Both "means" and "includes" are restrictive in scope because they only encompass part of the whole. Typically they are used in the following form:

person means A or B or C (and nothing else).

person includes A and B and C (and nothing else).

31. From the above example, one sees the logical difference. The list that follows means is constructed using "or", whereas the list that follows includes is constructed using "and".

32. There is a Legal Maxim that supports the restriction of "includes" which is as follows: *Inclusio unius est exclusio alterius*. The inclusion of one is the exclusion of another. The definition of the word include is key to understanding the potential loss of the natural-person. This is the major trick used by the Government in an attempt to take away natural-person rights. Unless this is known one voluntarily forfeits rights.

33. The fourth "trick" of the Government is to modify how the word "includes" is used in order to make an expansion in the definition when such expansion is required. This "trick" helps add confusion to the use of "includes" convincing most readers that "includes" should always be expansive rather than limiting. Here are some legitimate ways in which "includes" is modified to become expansive rather than restrictive:

also includes

and includes

includes, without limitation,

including

including but not limited to

34. The expansive definitions usually take the following form:
person means A or B or C and includes D. (A,B, C and D). However, there is also a possibility that "and includes" is restrictive in some constructions. There are some people investigating this possibility right now. Their logic is demonstrated by the following example of a definition that states: province means a province of Canada and includes Ontario and Quebec.

So, if one presumes that "and includes" does provide expansion then one must ask why Ontario and Quebec had to be specifically mentioned when they are already part of a so-called province.

Exhibit 1 LAW OF THE CASE

35. The above construction clearly defines the scope of what is meant by province, that is a province of Canada (it does not say which one), and includes only Ontario and Quebec (compiled from a list of two from the original scope of all provinces). In this construction means provides the scope of the definition and includes provides the list of what is actually included in the definition.

36. The foregoing analysis is one interpretation, but is not the only interpretation. The use of "includes" in statutory definitions can be argued both ways and is the backbone of understanding interpretations.

37. With the presumption that "and includes" is restrictive, then we must take a very close look at the following definition, taken from the Interpretation Act:
province means a province of Canada and includes the Yukon Territory, the Northwest Territories and Nunavut .

38. With this presumption what is stated is: unless another statute re-defines province, the default definition of province only includes the Yukon Territory, the Northwest Territories and Nunavut.

39. So in order to not become absurd, we must allow for "and includes" to be expansive, however more work needs to be done on this subject before placing the last nail in the coffin, so to speak.

40. Barron's Canadian Law Dictionary does not provide definitions for "include" or "means" therefore we have to look in the next source for the definitions.

41. From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an inclosure, take in , attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Including may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words heretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb include is clearly restrictive and only has limited scope. On the other hand the participle, including (but not limited to) enlarges the scope.

42. Therefore the conclusion is that when used in a definition, include does not expand the existing definition of the word it is attempting to define.

43. It is easy to be confused because one naturally assumes the existing definition of the word, then assume include means to add this new interpretation to the existing assumed definition of the word. Our assumptions fail us in this case.

44. For the Doubting Thomas: If one looks into any statute, one will be able to find a definition that uses the word includes and attempts to broaden the scope of that word to include the ordinary meaning, finda that the statute will break down because it will not be able to support the inclusion of the ordinary meaning of the word.

45. The breakdown usually occurs when slavery is invoked.

46. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.

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47. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal.

48. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24, 3 Steph. Comm. 383, *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225, *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231

49. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229, *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y.

50. CONFIRMATIO CARTARUM, October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. (See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.)

51. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

52. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

53. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.

54. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.]

55. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

56. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

57. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Scherer v. Cullen, 481 F 946.]

58. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct.

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573, 35 L.Ed. 219; *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." *Black's Law Dictionary*, Fifth Edition, p. 626.]

59. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.see Pennsylvania Constitution, all versions.

60. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

61. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

62. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

63. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [*Black's Law Dictionary*, 5th Edition, page 318.]

64. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law; authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [*Isbill v. Stovall*,

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Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

65. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

66. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297, Sources of Our Liberties Edited by Richard L. Perry, American Bar Foundation]

67. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

68. If any claim, statement, fact, or portion in this action is held inapplicable or not valid, such decision does not affect the validity of any other portion of this action.

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69. The singular includes the plural and the plural the singular.

70. The present tense includes the past and future tenses; and the future, the present.

71. The masculine gender includes the feminine and neuter.

72. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

73. We the people of this state do not yield their sovereignty to the agencies that serve them.

74. Through the courts, Plaintiff Kennedy encourages the government to obey the law.

75. Edward Thomas Kennedy, Plaintiff, is one of the people and in the court of record, wishes and demands individual defendants, and/or their counsel, to reply and testify, affirm, and/or declare under penalty of perjury to his complaint.

76. The Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law. *Warnock v. Pecos County*, 88 F.3d 341 (5th Cir. 07/08/1996), *Ex parte Young*, 209 U.S. 123, 155-56, 52 L. Ed. 714, 28 S. Ct. 441 (1908); *Edelman v. Jordan*, 415 U.S. 651, 664, 39 L. Ed. 2d 662, 94 S. Ct. 1347 (1974); *Brennan v. Stewart*, 834 F.2d 1248, 1252 (5th Cir. 1988).